

RCR/JDW:lam 07/01/05 384613
PATENTAttorney Reference Number 7273-70196-02
Application Number 10/758,117**Remarks**

Reconsideration of the present application is respectfully requested in view of the foregoing amendments and following remarks. Claims 6-24 are pending in the application. No claims have been allowed. Claims 6 and 17 are independent. Claim 6-24 have been rejected. These rejections are respectfully traversed. Claims 6, 8, 12, 13, and 17 have been amended. Support for the amendments to claim 17 can be found in various sections of the present application. For example, the section at page 18, lines 21-23, states: "A power-on sensor 216, a load sensor 214 and a relay reset 218 can be combined in the electrical power supply connected to the equipment rack" (emphasis added).

Priority

The Office Action considers the priority date for claim 12 as being August 16, 1999. Applicants accept this priority date for claim 12.

Double Patenting**Claims 17-24**

Claims 17-24 have been rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1, 5, 6, 8, 9, and 10-12 of U.S. Patent No. 6,711,613. A timely filed terminal disclaimer in compliance with 37 C.F.R. 1.321(c) may be used to overcome these rejections. Applicants respectfully submit that such a terminal disclaimer is hereby filed with this Amendment. Therefore, Applicants respectfully request that these double patenting rejections be withdrawn from claims 17-24.

RCR/JDW:lam 07/01/05 384613
PATENT

Attorney Reference Number 7273-70196-02
Application Number 10/758,117

Claims 6-16

Claims 6-16 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5, 6, and 8-12 of U.S. Patent No. 6,711,613. These rejections are respectfully traversed.

For example, claim 6 and dependent claims 7-16 of the present application are method claims directed to a method for operating a remote power management system, whereas claim 1 and dependent claims 5, 6, and 8-12 of U.S. Patent No. 6,711,613 are system claims directed to a computer network.

Furthermore, claim 6 of the present application requires "providing a first command from said host system to said power manager identifying a particular intelligent power module," "receiving a confirmation at said host system that said particular intelligent power module is responding to said first command," and "providing a second command from said host system to said power manager commanding said particular intelligent power module to shut-off operating power to said corresponding network appliance receiving operating power therefrom." Claim 1 of U.S. Patent No. 6,711,713 does not suggest such limitations.

Also, claim 1 of U.S. Patent 6,711,713 requires a microprocessor "connected by tickling means to independently tickle each of said plurality of inter-networking devices." Claim 6 of the present application does not suggest such a limitation.

Accordingly, Applicants respectfully request that the obviousness-type double patenting rejections of claims 6-16 be withdrawn.

RCR/JDW:lam 07/01/05 384613
PATENT

Attorney Reference Number 7273-70196-02
Application Number 10/758,117

Claim Rejections under 35 U.S.C. § 112

Claim 12 has been rejected under 35 U.S.C. § 112, second paragraph, for reasons of indefiniteness. Claim 12 has been amended from “detecting a wiring inadequacy” to “detecting a probable wiring error.” Therefore, Applicants respectfully request that the rejection be withdrawn.

Claim 13 has been rejected under 35 U.S.C. § 112, second paragraph, for reasons of insufficient antecedent basis. Claim 13 has been amended from “determining the logic status” to “determining a logic status.” Therefore, Applicants respectfully request that the rejection be withdrawn.

Patentability of Claim 6 over Bailey under 35 U.S.C. § 102

Claim 6 has been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,909,180 to Bailey et al. (“Bailey”). This rejection is respectfully traversed.

Independent claim 6 is directed to a method for operating a remote power management system, and requires “configuring a plurality of network appliances to each receive operating power from a corresponding one of a plurality of intelligent power modules such that each intelligent power module can cycle operating power on/off to said corresponding network appliance in response to a command issued by a host system” (emphasis added). For example, the present application, referring to FIG. 1, states at page 11, lines 3-6 and 18-20: “It also powers a plurality of intelligent power modules (IPM’s) 30, 32, 34, 36 that are able to switch the operating power on/off to a corresponding network appliances 38, 40, 42, 44 . . . The power manager 28 and IPM’s 30, 32, 34, 36 are also able to generate an interrupt signal to each corresponding network appliances 38, 40, 42, and 44.”

RCR/IDW:lam 07/01/05 384613
PATENTAttorney Reference Number 7273-70196-02
Application Number 10/758,117

Bailey fails to teach or suggest configuring a plurality of network appliances to each receive operating power from a corresponding one of a plurality of intelligent power modules, as required by independent claim 6. For example, FIG. 4 of Bailey and the corresponding discussion at col. 6, lines 33-54, as noted in the Office Action, is understood to describe a system that includes a controller 32, an interface driver board 34 that includes a gate array 60, a termination board 38, and circuit breakers 20 (not shown). As such, Bailey is understood to describe no network appliance, much less a plurality of network appliances. For example, network appliances can include frame relay controllers, asynchronous transfer mode switches, routers, integrated services digital network controllers, and application servers, among others, as described in the present application at page 1, lines 26-29.

Furthermore, Bailey (FIG. 4 and related discussion) is understood to describe circuit breakers 20 that connect to the interface driver board 34 through amplifiers 62, but fails to teach or suggest an intelligent power module (IPM), much less a plurality of IPM's. Even, for sake of argument, if the interface driver board 34 or the gate array 60 were to be construed as a network appliance and the circuit breakers 20 were to be construed as IPM's, which the Office Action is understood to imply, Bailey still fails to teach or suggest configuring a plurality of network appliances to each receive operating power from a corresponding one of a plurality of intelligent power modules because all of the circuit breakers 20 connect to the same interface driver board 34 and gate array 60.

Also, the gate array 60 in FIG. 4 of Bailey is understood to be merely a conduit for signals rather than any type of intelligent device. For example, Bailey at col. 6, lines 64-67, describes the gate array 60 as simply receiving status signals and then transmitting them to the

RCR/JDW:lam 07/01/05 384613
PATENT

Attorney Reference Number 7273-70196-02
Application Number 10/758,117

controller 32. Applicants respectfully find nothing in Bailey to indicate that the gate array 60 is intelligent, much less an intelligent power module.

Therefore, Bailey fails to teach or suggest the requirements of independent claim 6. Accordingly, Applicants respectfully request that the 35 U.S.C. § 102(e) rejection be withdrawn from independent claim 6.

Patentability of Claims 7-16 over Bailey in view of Fujino under 35 U.S.C. § 103

Dependent claims 7-16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bailey in view of U.S. Patent No. 5,651,006 to Fujino et al. ("Fujino"). These rejections are respectfully traversed. Dependent claims 7-16 depend directly or indirectly from their parent claim 6, and are allowable for at least the reasons recited above in support of their parent claim 6. They are also independently patentable. Also, Fujino fails to cure the deficiencies of Bailey. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejections of dependent claims 7-16 be withdrawn.

Claim 7

Neither Bailey nor Fujino, alone or in combination, teach or suggest "providing a Transfer-Control-Protocol/Internet-Protocol (TCP/IP) communication link between said host system and said power manager; and communicating between said host system and said power manager via said TCP/IP communication link," as required by dependent claim 7. For example, Bailey fails to explicitly teach providing a TCP/IP communication link, as noted in the Office Action. Bailey also fails to teach or suggest the method of claim 6, as discussed above. Fujino states that a SNMP may be employed between each agent and its sub-manager (see Abstract), but

RCR/JDW:lam 07/01/05 384613
PATENT

Attorney Reference Number 7273-70196-02
Application Number 10/758,117

fails to teach or suggest at the least the method of claim 6 and thus that of claim 7, which depends directly from claim 6. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 7 be withdrawn.

Claim 8

Neither Bailey nor Fujino, alone or in combination, teach or suggest "providing a network agent at said power manager; and independently communicating a TCP/IP message to said network agent from said host system for at least one of power-on sensing, load sensing, power cycling on/off, and tickle signal generation," as required by dependent claim 8. For example, Bailey fails to explicitly teach independently communicating a TCP/IP message to said network agent from said host system, as noted in the Office Action. Bailey also fails to teach or suggest the methods of claims 6 and 7, as discussed above. Fujino states that a SNMP may be employed between each agent and its sub-manager (see Abstract), but fails to teach or suggest at the least the methods of claims 6 and 7 and thus that of claim 8, which depends directly or indirectly from each of claims 6 and 7. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 8 be withdrawn.

Claim 9

Neither Bailey nor Fujino, alone or in combination, teach or suggest "said host system communicating TCP/IP packets effecting at least tow of said power-on sensing, load sensing, power cycling on/off, and tickle signal generation," as required by dependent claim 9. For example, Bailey fails to explicitly teach said host system communicating TCP/IP packets, as noted in the Office Action. Bailey also fails to teach or suggest the methods of claims 6, 7, and

RCR/JDW:lam 07/01/05 384613
PATENT

Attorney Reference Number 7273-70196-02
Application Number 10/758,117

8, as discussed above. Fujino states that a SNMP may be employed between each agent and its sub-manager (see Abstract), but fails to teach or suggest at least the methods of claims 6, 7, and 8 and thus that of claim 9, which depends directly or indirectly from each of claims 6, 7, and 8. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 9 be withdrawn.

Claim 10

Neither Bailey nor Fujino, alone or in combination, teach or suggest "said host system communicating TCP/IP packets effecting at least three of said power-on sensing, load sensing, power cycling on/off, and tickle signal generation," as required by dependent claim 10. For example, Bailey fails to explicitly teach said host system communicating TCP/IP packets, as noted in the Office Action. Bailey also fails to teach or suggest the methods of claims 6, 7, and 8, as discussed above. Fujino states that a SNMP may be employed between each agent and its sub-manager (see Abstract), but fails to teach or suggest at least the methods of claims 6, 7, and 8 and thus that of claim 10, which depends directly or indirectly from each of claims 6, 7, and 8. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 10 be withdrawn.

Claim 11

Neither Bailey nor Fujino, alone or in combination, teach or suggest "said host system communicating TCP/IP packets effecting all of said power-on sensing, load sensing, power cycling on/off, and tickle signal generation," as required by dependent claim 11. For example, Bailey fails to explicitly teach said host system communicating TCP/IP packets, as noted in the

RCR/JDW:lam 07/01/05 384613
PATENT

Attorney Reference Number 7273-70196-02
Application Number 10/758,117

Office Action. Bailey also fails to teach or suggest the methods of claims 6, 7, and 8, as discussed above. Fujino states that a SNMP may be employed between each agent and its sub-manager (see Abstract), but fails to teach or suggest at least the methods of claims 6, 7, and 8 and thus that of claim 11, which depends directly or indirectly from each of claims 6, 7, and 8. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 11 be withdrawn.

RCR/JDW:lam 07/01/05 384613
PATENTAttorney Reference Number 7273-70196-02
Application Number 10/758,117Claim 12

Neither Bailey nor Fujino, alone or in combination, teach or suggest “generating a signal and transmitting said signal to said host system through said TCP/IP communication link identifying a particular one of said corresponding plurality of network appliances associated with a target one of the plurality of intelligent power modules; generating a tickle signal by the power manager in response to receiving a TCP/IP tickle initiating message from said host system; and remotely detecting a probable wiring error associated with a particular network appliance among the plurality of network appliances without adversely affecting the power supplied by said one among the plurality of intelligent power modules to said particular network appliance,” as required by dependent claim 12. For example, Bailey fails to explicitly teach generating a signal and transmitting said signal to said host system through said TCP/IP communication link, as noted in the Office Action. Bailey also fails to teach or suggest the method of claim 6, as discussed above. Fujino states that a SNMP may be employed between each agent and its sub-manager (see Abstract), but fails to teach or suggest at the least the method of claim 6 and thus that of claim 12, which depends directly from claim 6. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 12 be withdrawn.

Claim 13

Neither Bailey nor Fujino, alone or in combination, teach or suggest “generating a tickle signal by each of the plurality of intelligent power modules which comprises a dry-contact relay output signal determining a logic status of a signal receiving interface in an associated network appliance,” as required by dependent claim 13. For example, Bailey discusses at the paragraph beginning at col. 3, line 64, an interface module 24 that includes a termination board 38 used to

RCR/JDW:lam 07/01/05 384613
PATENT

Attorney Reference Number 7273-70196-02
Application Number 10/758,117

couple control and monitoring signals between an interface driver board 34 and a remotely located control/monitoring device via a controller 32. Such control/monitoring signals, however, fail to teach or suggest any type of tickle signals, much less generating a tickle signal. Furthermore, Fujino fails to cure the deficiencies of Bailey. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 13 be withdrawn.

Claim 14

Neither Bailey nor Fujino, alone or in combination, teach or suggest "answering said tickle signal by said associated network appliance by issuing a first signal when in a normal operating mode," as required by dependent claim 14. For example, Bailey discusses at the paragraph beginning at col. 3, line 64, an interface module 24 that includes a termination board 38 used to couple control and monitoring signals between an interface driver board 34 and a remotely located control/monitoring device via a controller 32. Such control/monitoring signals, however, fail to teach or suggest any type of tickle signals, much less answering said tickle signal. Furthermore, Fujino fails to cure the deficiencies of Bailey. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 14 be withdrawn.

Claim 15

Neither Bailey nor Fujino, alone or in combination, teach or suggest "answering said tickle signal by said associated network appliance by issuing a first signal when in a normal operating mode," as required by dependent claim 15. For example, Bailey discusses at the paragraph beginning at col. 3, line 64, an interface module 24 that includes a termination board 38 used to couple control and monitoring signals between an interface driver board 34 and a

RCR/JDW:lam 07/01/05 384613
PATENT

Attorney Reference Number 7273-70196-02
Application Number 10/758,117

remotely located control/monitoring device via a controller 32. Such control/monitoring signals, however, fail to teach or suggest any type of tickle signals, much less answering said tickle signal. Furthermore, Fujino fails to cure the deficiencies of Bailey. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 15 be withdrawn.

Claim 16

Neither Bailey nor Fujino, alone or in combination, teach or suggest "issuing a series of sensing pulses from ones of the plurality of intelligent power modules to corresponding ones of said plurality of network appliances, and reading and reporting any results that indicate a switched-on or switched-off condition," as required by dependent claim 16. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of dependent claim 16 be withdrawn.

Examiner Interview Summary

Applicants would like to thank Examiner Patel for participating in a telephonic Examiner Interview on June 8, 2005. After Applicants presented the arguments, Examiner Patel requested that the arguments be put in writing. Applicants respectfully submit that the arguments have been incorporated into this Amendment.

RCR/JDW:lam 07/01/05 384613
PATENT

Attorney Reference Number 7273-70196-02
Application Number 10/758,117

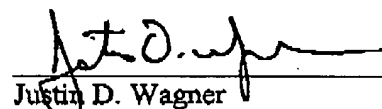
Conclusion

The claims in their present form should be allowed. Such action is respectfully
requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


Justin D. Wagner
Registration No. 54,519

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 228-9446